92-07793/

# REPORT AND RECOMMENDATIONS TO THE MINISTER

# REGARDING

# THE ENVIRONMENTAL ASSESSMENT REPORT

# FOR THE PROPOSED

# ROCK EXTRACTION AND PROCESSING DEVELOPMENT

# BY

# BLUE MOUNTAIN RESOURCES LIMITED

NOVA SCOTIA

ENVIRONMENTAL CONTROL COUNCIL

MARCH 27, 1992

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## EXECUTIVE SUMMARY

On July 25, 1991, the Minister of the Environment requested the Nova Scotia Environmental Control Council to undertake public consultation on the suitability and environmental compatibility of Blue Mountain Resources Limited's proposal for a rock extraction and processing development in the Kearney Lake area of Halifax County, Nova Scotia.

Prior to the public hearing sessions the Panel, appointed by the Nova Scotia Environmental Control Council, reviewed the Environmental Assessment Report prepared by the proponent, all documentation and correspondence relating to the undertaking and comments submitted by the public and various federal, provincial and municipal agencies. A pre-session conference was held at the request of the proponent and the Panel visited the site of the proposed development.

Public hearing sessions were held in Halifax, Nova Scotia, on November 21, 22, 23, 26, 28 and 30, 1991. Presentations were received from the proponent and his representatives, pre-registered public participants and numerous unscheduled participants in the open forum portions of the hearing sessions.

The major concerns identified were: surface and groundwater quality, air quality, blasting, sound and visual impacts, flora and fauna, development and land use, traffic, recreation, property values, monitoring and enforcement, quality of life and rehabilitation.

The Panel reviewed the concerns presented at the public hearing sessions, further submissions received following the hearing sessions, technical submissions made by expert advisors, technical comments received by the Environmental Assessment Administrator and the Environmental Assessment Report.

The Panel, after careful consideration of all information received, concludes that the rock extraction and processing operation and associated cement and asphalt plants pose significant and unacceptable risks to the natural and social environments of the nearby surrounding community.

**The Panel therefore recommends that no components of the development proposed by Blue Mountain Resources Limited, consisting of a rock extraction and processing operation, a cement plant and an asphalt plant, be permitted to proceed at the site in question.**

# SECTION 1

# INTRODUCTION

## SECTION 1

## INTRODUCTION

Blue Mountain Resources Limited registered their proposal for a rock extraction and processing development, in the Kearney Lake area of Halifax County, Nova Scotia, with the Minister of the Environment on December 27, 1989.

The stated purpose of the undertaking "is to provide rock aggregate and related materials to the Metropolitan Area construction industry".

The Minister of the Environment referred the Environmental Assessment Report to the Nova Scotia Environmental Control Council for review and recommendations on July 25, 1991. The duly appointed review Panel members were Gordon Beanlands, Ph.D, Sandra Stafford and Donald Bragg, Chair.

The review process included a site visit and a pre-session conference. Public hearing sessions were held in Halifax, Nova Scotia, on November 21, 22, 23, 26, 28 and 30, 1991. The agenda and the Chair's remarks are included in the appendices of this Report.

The submissions received and reviewed are as follows:

(1) Fifty-four (54) formal requests for a scheduled time on the agenda during the public hearing sessions;

(2) Twenty-seven (27) oral submissions received during the open forum periods of the public hearing sessions;

(3) Ten (10) written submissions received prior to the public hearing sessions;

(4) Twenty-three (23) written submissions received after the public hearing sessions;

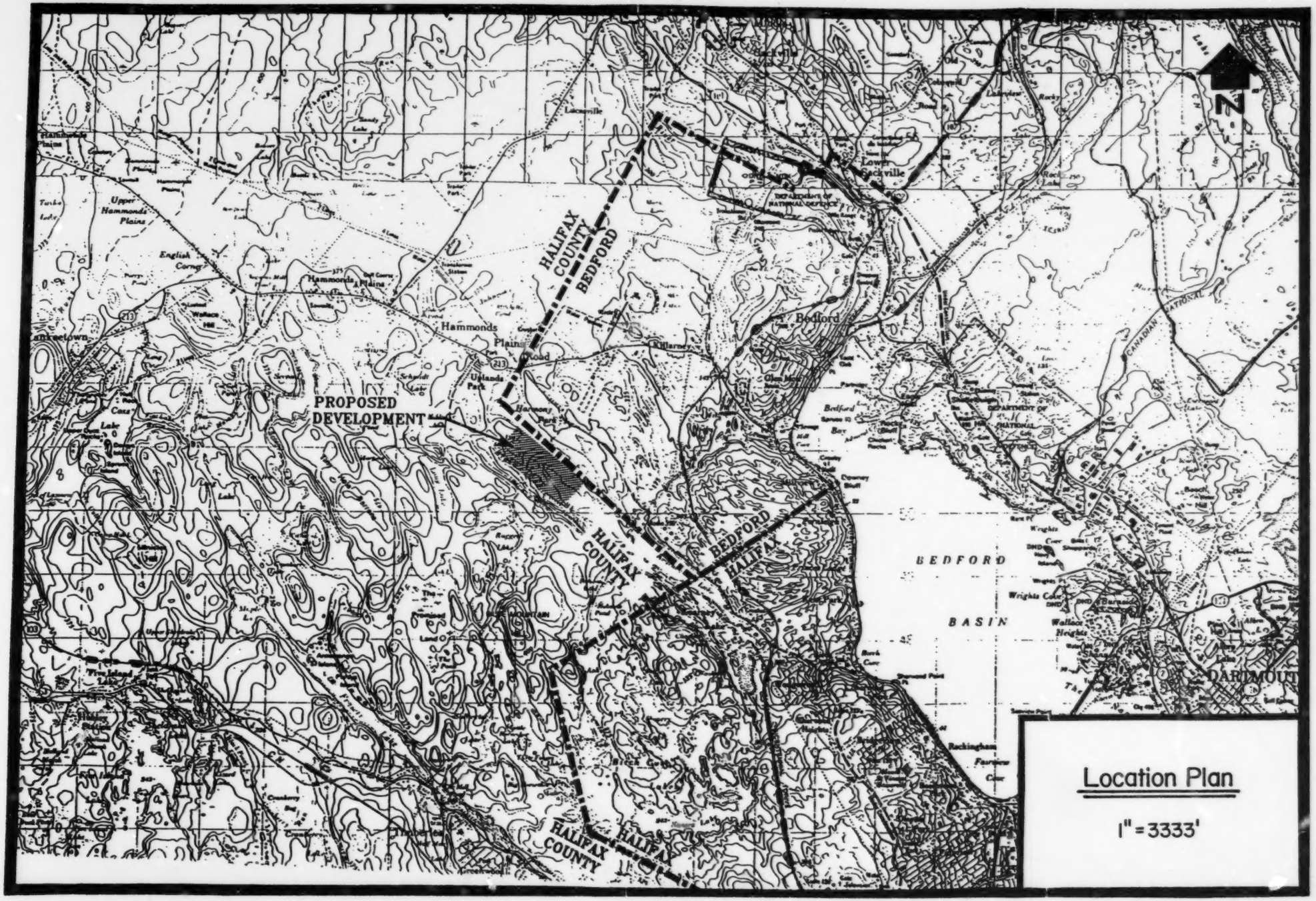
(5) Eight (8) technical submissions received by the Environmental Assessment Administrator with reference to the Environmental Assessment Report.

The above submissions are listed in the appendices of the Report.

Presenters on behalf of the proponent are also listed in the appendices.

Three technical advisors were retained by the Council during the review process: Ms. Sherry Yundt, Mr. Donald Waller, Ph.D and Mr. Walter Bisson.

This Report incorporates the Assessment Panel's review of the Environmental Assessment Report, written comments submitted on the proposed undertaking from the public, various federal, provincial and municipal agencies and the concerns raised by the public and the Panel during the public consultation process.


HALIFAX COUNTY BEDFORD
PROPOSED DEVELOPMENT
HALIFAX COUNTY
BEDFORD HALIFAX
HALIFAX COUNTY
HALIFAX
Hammonds Plains
Upper Hammonds Plains
English Corner
Lucasville
Lower Sackville
Bedford
Killarney
Uplands Park
Harmony Park
BEDFORD BASIN
DARTMOUTH
CANADIAN NATIONAL
Location Plan
1" = 3333'

## SECTION 2

## BACKGROUND OF EVENTS LEADING TO THE ENVIRONMENTAL CONTROL COUNCIL REVIEW

## SECTION 2

## BACKGROUND OF EVENTS LEADING TO THE ENVIRONMENTAL CONTROL COUNCIL REVIEW

| | |
|---|---|
| December 27, 1989 | Undertaking registered by Blue Mountain Resources Limited |
| January 4, 1990 | Public notice given by the proponent, Blue Mountain Resources Limited, as a Class I undertaking under the Environmental Assessment Act |
| February 26, 1990 | Draft Guidelines for Terms of Reference for Environmental Assessment Report released to public for review and comment by April 2, 1990 |
| April 20, 1990 | Final Guidelines for Terms of Reference approved and forwarded to proponent |
| August 7, 1990 | Terms of Reference for Environmental Assessment Report approved by Minister of the Environment |
| June 25, 1991 | Draft Environmental Assessment Report, prepared by proponent, submitted to Environmental Assessment Administrator for review and approved by Minister of the Environment on July 6, 1991 |
| July 19, 1991 | Final Environmental Assessment Report received by Minister of the Environment |
| July 25, 1991 | Minister of the Environment referred Environmental Assessment Report to Environmental Control Council for environmental assessment review |
| July 26, 1991 | Minister of the Environment released Environmental Assessment Report to public for review and written comments to be received by Environmental Assessment Administrator on or before September 13, 1991 |

| | |
|---|---|
| July 30, 1991 | Chairman of Environmental Control Council, James Harrison, advised Minister by letter of Hearing Panel members: Sandra Stafford, Gordon Beanlands, Ph.D and Donald Bragg, Chair |
| August 9, 1991 | First Notice of Hearing published in The Chronicle-Herald and The Daily News |
| August 27, 1991 | Site visit made by Hearing Panel to examine location of proposed undertaking and surrounding areas |
| August 30, 1991 | Notice of Hearing Postponement published in The Chronicle-Herald and The Daily News |
| September 6, 1991 | First Notice of re-scheduled Hearing published in The Chronicle-Herald and The Daily News |
| September 18, 1991 | Notice of Hearing published in The Royal Gazette |
| November 1, 1991 | Second Notice of Hearing published in the Chronicle-Herald |
| November 2, 1991 | Second Notice of Hearing published in The Daily News |
| November 18, 1991 | Pre-Session Conference |
| November 22, 1991 | Notice of Hearing published in The Chronicle-Herald and The Daily News |
| November 21, 22, 23, 26 and 28, 1991 | Public hearing sessions held by the Nova Scotia Environmental Control Council at St. Peter's Anglican Church Hall, Halifax, Nova Scotia |
| November 30, 1991 | Public hearing sessions held by the Nova Scotia Environmental Control Council at Rockingham United Church, Halifax, Nova Scotia |

## SECTION 3

## MANDATE OF THE ENVIRONMENTAL CONTROL COUNCIL

## SECTION 3

## MANDATE OF THE ENVIRONMENTAL CONTROL COUNCIL

**Environmental Assessment Act**

**Section 15(1)**

The Council Shall

(a) review an environmental assessment in respect of an undertaking referred to the Council by the Minister;

(b) consult with the public in accordance with subsection (1) of Section 16;

(c) recommend to the Minister the approval or disapproval of an undertaking, or conditions which ought to be imposed upon an undertaking if it proceeds;

(d) perform functions and exercise powers conferred upon the Council in respect of the Environmental Protection Act;

(e) perform such functions and exercise such powers as may be assigned to or conferred upon the Council by the Governor in Council or the Minister.

(2) The Council may appoint a committee of not less than two members of the Council, or authorize the Chairman of the Council to appoint such a committee, to perform any of the functions or exercise any of the powers of the Council.

**Section 16(1)** In reviewing an environmental assessment pursuant to clause (a) of subsection (1) of Section 15, the Council shall consult with the public by inviting written submissions from the public, by conducting a public hearing or in such other manner as determined by the Council.

(2) A hearing conducted pursuant to subsection (1) shall, except as otherwise prescribed, be conducted in the same manner as a review held pursuant to the Environmental Protection Act and the Council and each member has the authority set forth in the Environmental Protection Act with respect to a review.

**Section 3(d)**

The Environmental Assessment Act, proclaimed in 1989, defines the environment as:

(d) "environment" includes

(i) air, land and water,
(ii) plant and animal life including human life,
(iii) the social, economic, recreational, cultural and aesthetic conditions and factors that influence the life of humans or a community,
(iv) a building, structure, machine or other device or thing made by humans,
(v) a solid, liquid, gas, odor, heat, sound, vibration or radiation resulting directly or indirectly from the activities of humans, or
(vi) any part or combination of the foregoing and the interrelationships between two or more of them.

**Environmental Assessment Hearing Regulations**

The Environmental Assessment Hearing Regulations, proclaimed in December, 1990, delineate the procedures pertaining to the public consultation process.

## SECTION 4

## CONCERNS IDENTIFIED

## 4.1 IMPACTS ON WATER RESOURCES

### 4.1.1 SURFACE WATER

#### 4.1.1.1 SEDIMENTATION

- The proponent contended that runoff from the site into Black Duck Brook would be controlled by sediment ponds to ensure that average concentration of suspended solids would not exceed provincial guidelines of 35 mg/l.

Points of Contention

- The flow in Black Duck Brook had not been measured.
- There was a lack of agreement among experts concerning the effectiveness of the sediment ponds based on required settling time.
- There were questions concerning the adequacy of design specifications to control runoff from rare storm events.
- Concerns were expressed over the possibility of further introduction of sediments into Kearney Lake which is already suffering from a high rate of sedimentation.

#### 4.1.1.2 OTHER POLLUTANTS

- The proponent contended that the proposed mitigation measures for storage of materials, site rehabilitation and effluent control would meet or exceed current provincial standards and would ensure that there would be no significant impacts on surface water quality in, or downstream of, Black Duck Brook.

Points of Contention

- The proponent did not provide information on the fate of surplus asphalt and cement.
- Given the elevated concentrations of aluminum in local rock and soils, intervenors expressed concern related to the alleged relationship between public health and concentrations of aluminium in environmental media.
- A number of questions were raised concerning the possibility of blasting leading to the release of molybdenum leachate from a low grade local deposit of molybdenum sulphate.

- Intervenors expressed concern over the possible inadvertent release of petroleum products from the site, in particular, materials stored for use in the asphalt plant.

- Local residents expressed concern over the possible effects of the proposed quarry operation on their use of downstream water resources for recreational and aesthetic purposes.

### 4.1.2 GROUNDWATER

- Based on the results of a groundwater model, the proponent predicted that the groundwater level within one-half mile north and east of the site would fall approximately 0.46 - 0.61 metres (1.5 - 2.0 feet) over a 30-year period, although this was not expected to significantly alter the supply of groundwater.

- The proponent contended that there would be no risk to local domestic wells but agreed to provide potable water in the event that individual wells within a one-mile radius stopped producing.

- The proponent contended that there would be only a slight potential for an increase in the amount of aluminum entering the groundwater as a result of the proposed quarry operation.

Points of Convention

- There was disagreement among experts on the validity of the results from the groundwater model used in the assessment related to:

  (a) lack of experience in the application of this particular model to the formation in question;

  (b) insufficient data on transmissivity and storativity of the local formation; and

  (c) insufficient knowledge of normal fluctuations in groundwater levels as a background against which to interpret the results of the model.

- Due to the tenuous nature of groundwater flow in fractured rock formations and their vulnerability to blasting, there was a question as to whether the integrity of all wells in the local area could be guaranteed.

- It is doubtful that any groundwater monitoring system would be able to unequivocally show cause and effect between project blasting and the loss of water in any particular well.

- There was public concern over the possibility of the quarry operation resulting in increased levels of aluminum in local domestic wells and thereby increasing the risk of Alzheimer's disease.

## 4.2 IMPACTS ON AIR QUALITY

- The proponent contended that the proposed mitigation measures (for the crusher and pneumatic drills) would ensure that any dust which leaves the site would not, when added to background concentrations, exceed provincial ambient air quality standards in surrounding residential areas.

- The proponent contended that the limited volumes of dust that would be released from the site over the life of the project would have an insignificant effect on local water bodies.

- The proponent contended that the combination of a bag house control system and extended vertical stack would ensure that hydrocarbon emissions from the asphalt plant would comply with provincial and federal standards.

Points of Contention

- It is unclear to what extent atmospheric inversions were considered by the proponent in their calculations of the impact of dust and hydrocarbon emissions on local air quality.

- Local residents expressed concern over the potential for dust and hydrocarbon emissions leading to increases in the incidence and severity of respiratory ailments and related health problems.

- Based on their experience with previous and existing quarries in the immediate area, the residents expressed concern over the aesthetic and nuisance factors related to dust emissions.

## 4.3 IMPACTS ON PLANTS, WILDLIFE AND FISH

### 4.3.1 PLANTS AND WILDLIFE

- The proponent recognized the abundance and diversity of common plant and wildlife species in the general development area, but contended that there were no resident rare or endangered species.

- The proponent contended that, other than some animals being displaced from the active site, local populations would not be significantly affected.

- The proponent made a commitment to reforest the areas adjacent to the proposed site which are currently being commercially harvested.

Points of Contention

- A number of intervenors questioned the discrepancy between the results of the bird survey conducted by the proponent and records from the Maritime Breeding Bird Atlas.

### 4.3.2 FISH

- The proponent contended that the proposed project would not have a significant impact on fish habitat in McQuade Lake, Black Duck Brook or Kearney Lake.

Points of Contention

- The proponent did not include Lewis and Ragged Lakes in the environmental assessment studies.

- A number of intervenors noted the proximity of Lewis and Ragged Lakes to the proposed site and raised concerns about the possible effects of dust deposition on fish habitat in those lakes.

## 4.4 VISUAL IMPACTS

- The proponent demonstrated that the structures planned for the development would not generally be seen from existing or potential viewpoints.

Points of Contention

- Intervenors were not convinced that dust and emissions generated from the various activities on the site would not be visible from the Kearney Lake area during hours of operation.

## 4.5 SOUND IMPACTS

- The proponent contended that under normal conditions noise from the development would not be distinguishable from background levels; this conclusion was largely based on the use of a noise generator which imitated the sound of a rock crusher.

- The proponent, however, did acknowledge that under certain conditions noise from the development would be audible beyond the site boundaries.

Points of Contention

- The sound generator was located approximately 610 metres (2000 feet) from the proposed production pad.

- The transmission of sound would be altered following changes in local topography and the development of a reflective rock face resulting from the quarry operations.

- The lack of foliage in the spring and fall would reduce the noise buffering capacity.

- The proponent's analysis did not adequately address the effects of all noise-generating activities associated with the quarry, on and off the site (e.g. drilling, excavation and loading equipment, asphalt plant, cement plant and heavy trucks).

## 4.6 GEOLOGY RELATED IMPACTS

- The proponent contended that of all of the leachable elements found on the site, only aluminum was considered as a potential chemical contaminant.

- The proponent contended that the proposed mitigation measures for the management of stockpiles and for site rehabilitation would ensure that aluminum would not be leached from the site.

Points of Contention

- A knowledgeable intervenor suggested that leachable elements on the site other than aluminum (iron, manganese, calcium and magnesium) are potential chemical contaminants.

## 4.7 BLASTING IMPACTS

### 4.7.1 PRE-BLAST SURVEY AND INSURANCE

- The proponent agreed to carry general liability insurance (including blasting damage) covering its activities and those of its sub-contractors.

- The proponent has committed to conducting an independent pre-blast survey of all structures within 915 metres (3000 feet) of the perimeter of the development and of all wells within a one-mile radius; the objective of the survey is for comparison purposes in the event of insurance claims.

- The proponent proposed the formation of a Community Liaison Committee, the responsibilities of which would include the establishment of mechanisms for the resolution of disputes over insurance claims.

Points of Contention

- A number of intervenors suggested that the boundaries of the proposed pre-blast survey be extended three-to-five miles from the development boundary.

- Questions were raised at the hearing concerning the potential difficulty of proving to the satisfaction of the proponent's insurance company that structural damage or loss of well water had specifically resulted from blasting on the proponent's site.

### 4.7.2 BLASTING PROCEDURES

- The proponent contended that their blasting design, procedures and control measures would be more stringent than the requirements of the Nova Scotia Pit and Quarry Guidelines, the Halifax County Regulations and the Halifax City By-Law provisions.

- The proponent contended that their blasting would not cause widespread changes in bedrock fractures beyond the site and, accordingly, drilled wells which rely on such fractures would not be adversely affected.

- Citing supporting evidence from the so-called "MacLaren Report", the proponent contended that the performance limit (peak particle velocity) placed on their blasting activities would preclude damage to surrounding structures.

- The proponent stated that blasting materials would not generally be stored on the site; they would be delivered as required.

Points of Contention

- A number of intervenors, citing local experience, expressed concern over the apparent lack of consistency in the monitoring and enforcement of blasting guidelines.

- Blasters do not always take account of information from appropriate officials in the weather office on the existence of thermal inversions prior to the detonation of charges.

- There have been a number of occasions in the local area when charges have been detonated under adverse weather conditions, allegedly resulting in structural damage.

- Since all quarries tend to detonate blasts within the same time periods during the day, a number of intervenors expressed concern over the possibility of blasts being detonated simultaneously and, therefore, increasing the risk of property damage.

- A number of intervenors drew attention to the inherent difficulty in predicting the effects of blasting on fractures in bedrock and were concerned about the risk to their wells.

- Based on their previous experience in the area, local residents and business owners were not convinced that the proposed performance limits on blasting would prevent structural damage.

## 4.8 IMPACTS ON DEVELOPMENT AND LAND USE

- The proponent contended that the proposed development would conform with the requirements of current land use planning guidelines.

- The proponent contended that the boundaries of the proposed development would comply with the requirements of the Nova Scotia Department of the Environment Pit and Quarry Guidelines.

- The proponent contended that their development would not pose a conflict with adjacent land users.

Points of Contention

- For the area in question, there is a conflict between the zoning designation by the County of Halifax (resource extraction) and the zoning designation by the City of Halifax (primarily residential).

- Due to the inherent nature of the development, the proposed quarry was considered by some intervenors to be incompatible with businesses in light industrial parks in Bedford, less than 610 metres (2000 feet) away.

- There appeared to be confusion over the interpretation of the Nova Scotia Pit and Quarry Guidelines regarding:

  (a) the definition of "quarry excavation", i.e. the active or terminal rock face, in regard to determination of the separation distance from surrounding residences;

  (b) the point of origin for measuring the one-half mile separation distance from adjacent residential areas - structures or property boundaries; and

  (c) the meaning of the phrase "property in or restricted to residential use".

## 4.9 TRAFFIC IMPACTS

- The proponent estimated that, at full production, the development would result in an increase of approximately 800 vehicle trips per day, 525 of which would be truck trips.

- The proponent contended that this increase would not be significant in relation to current and projected traffic volumes.

- The proponent contended that existing roadbeds, except that for Kearney Lake Road, are structurally capable of supporting the forecasted increase in traffic volumes.

- The proponent estimated that the increased traffic resulting from the development would not significantly add to the maintenance costs of local highways.

- The proponent noted that the development would result in a minor increase in risk to the safety of pedestrians and cyclists using Kearney Lake Road and Hammonds Plains Road.

Points of Contention

- The proponent stated that the estimated 8% increase in overall traffic related to the development would not be significant, however, that estimate equates to a 56% increase in truck traffic which was considered by a number of intervenors to be unacceptable.

- Concerns were expressed regarding the increased risk of accidents due to slow-moving trucks, lack of sidewalks, school children crossing roads and the requirement to use sand rather than salt on some road sections in the area.

- The City of Halifax expressed concern over the potential for increased costs of road maintenance.

- There were general concerns expressed at the hearing regarding the effects of traffic routing and the potential to further exacerbate traffic congestion.

- Residents expressed concern over the effects of increased noise levels and further reduction in air quality resulting from exhaust gases discharged from heavy trucks.

## 4.10 IMPACTS ON POCKWOCK WATERMAIN

- Concerns were expressed by local residents regarding potential damage to the Pockwock watermain from blasting. However, the Halifax Water Commission stated that the Pockwock watermain would not be affected if peak particle velocity does not exceed 0.5 inches/second. The Commission requested an additional monitoring station and access to the resulting data; the proponent agreed to comply with these requests.

## 4.11 IMPACTS ON RECREATIONAL ACTIVITIES

- The proponent contended that the development would not have a negative impact on recreational activities on Kearney Lake.

- The proponent will continue to allow public access to its lands for recreational activities, outside of the immediate operational area.

- The proponent offered to provide alternative access to the area when the present access route becomes unsafe.

- The proponent made a commitment to contribute to the establishment of a community recreational development fund.

Points of Contention

- Intervenors expressed concern that any further pollution of Kearney Lake would have a significant effect on water quality with resulting impacts on fish habitat and recreational uses.

- Intervenors requested that an environmental baseline study of Kearney Lake be undertaken before any further development is permitted in the area.

## 4.12 ECONOMIC IMPACTS

- The proponent contended that the development would have a net positive effect on the economy.

- Studies commissioned by the proponent indicated that the development would affect the economy in the following ways:

  (a) it would generate up to 65 direct, indirect and induced jobs;

  (b) it would result in total revenues to all levels of government ranging from $350,000 to $620,000 per year;

  (c) it would have an insignificant/minor negative effect on existing industrial suppliers since the additional output would be absorbed by projected market growth;

  (d) it would not significantly alter product prices other than as a result of more competitive bidding; and

  (e) it would not have a negative impact on the price of residential real estate outside of the one-half mile separation zone.

Points of Contention

- Intervenors questioned the validity of the study on the impacts on property value, in particular the regression analysis and the use of asking price in lieu of selling price.

- Intervenors maintained that the proposed development would have a negative affect on their property values.

- Intervenors suggested the possibility of a loss of tax revenue to the City of Halifax through the lowering of assessment values for residential and commercial properties in the area.

- A number of intervenors expressed concern over the possibility that insurance coverage and mortgages would be more difficult to obtain.

## 4.13 JUSTIFICATION FOR AN ADDITIONAL QUARRY

- Studies commissioned by the proponent contended that additional supplies of aggregate were required.

- The proponent contended that, whereas aggregate is used extensively in the metropolitan area, it is in the region's best interest to retain access to a reliable and continued source of supply.

- The proponent contended that the use of the estimated 10 million tons of rock from this development equates to extending the regional reserves by a similar amount.

- The proponent contended that the development provides two regional benefits - an increase to the economic base and improved resource management.

- The proponent contended that sound resource management allows for the commercial use of this non-renewable resource in advance of restrictions imposed by future developments.

- The proponent contended that the proposed development would provide a more competitive environment for aggregate users in the metropolitan area.

- The proponent contended that the extraction of aggregate from this property would lessen the pre-grading costs of future land development.

- The proponent contended that the site chosen satisfies all environmental, community and business criteria, including (a) grade of rock; (b) accessibility to markets; (c) no threat to rare or endangered species; (d) ability to protect water resources; (e) appropriate land use designations; (f) low visibility; (g) required separation distances from residential development; and (h) adequate roadways providing sufficient capacity without endangering public safety.

- It was the proponent's belief that the regional construction industry would benefit economically from the active participation of another stable corporate citizen.

- The proponent noted that a successful corporate citizen can be a social benefit to a region by supporting community endeavors.

Points of Contention

- Numerous intervenors contended that the proponent failed to clearly establish the need for an additional quarry in the metropolitan area.

- Intervenors criticized the analysis of demand based upon provincial trends in aggregate production rather than demand in the metropolitan area.

- A number of intervenors expressed their belief that existing quarries in the area have sufficient aggregate reserves to supply demands for the product in the foreseeable future.

- Intervenors contended that there would be no net benefit from the proposed development since its share of the market would merely displace a similar total volume from other quarries.

- Intervenors expressed concern that unpredictable market demand could significantly extend the projected life expectancy of the quarry.

- Intervenors contended that any economic benefits to the area would be offset by increased costs for health and road maintenance, greater safety risk, decreased property values and lowered quality of life.

## 4.14 QUALITY OF LIFE

- The proponent contended that the proposed development would not have a negative impact on the quality of life in the surrounding neighborhoods and a great deal of time, funds and effort have been and would be expended to make the development completely different than existing operations.

Points of Contention

- Residents contended their quality of life will be significantly impacted in a negative way by further heavy industry in the immediate area.

- Intervenors contended that the residential and recreational environment is not conducive for heavy industrial expansion.

- Numerous intervenors made reference to a long-term commitment to preserving and improving their natural environment and attempted to demonstrate that the proposed development would be a retrograde step in that direction.

## 4.15 OPERATIONAL IMPACTS

### 4.15.1 PROJECT DURATION

- The proponent contended that at the projected production rates, working six days a week, 36 - 40 weeks/year, the aggregate supply would be exhausted in 12 years; however, the production rate would depend on market demand.

- The proponent contended that capacities for the ready-mix plant and the asphalt plant had not been established. The size of the ready-mix and asphalt plants would be determined in Stages 2 and 3 of the development.

- The proponent contended that the market demand for aggregate, ready-mix concrete and asphalt will determine the staging of the development schedule and the rate of production.

Points of Contention

- There appeared to be varying estimates of the volume of aggregate contained within the proposed development site.

- Intervenors believed that the volume of available aggregate had been underestimated thereby prolonging the proposed life of the project.

- Intervenors were concerned that the uncertainty of market demand would substantially extend the years of operation.

- Concerns were raised regarding the lack of information provided by the proponent on the ready-mix and asphalt plants, i.e. size, capacity, etc., which led intervenors to question the validity of predicted operational impacts including, for example, estimated increases in truck traffic.

- Intervenors were concerned that the ready-mix and/or asphalt plants could continue operation indefinitely.

## 4.16 MONITORING AND ENFORCEMENT

- The proponent responded to concerns raised at the hearing by proposing a comprehensive monitoring program focused on blasting, surface and groundwater quality and air quality.

- The proponent proposed the creation of a Citizen's Liaison Committee to monitor their adherence to stated obligations and legislated commitments.

Points of Contention

- Numerous intervenors contended that monitoring and enforcement of quarrying practices have been inadequate.

- Intervenors contended that the practice of allowing or expecting quarry operators to police themselves is unacceptable; independent monitoring was suggested as a possible solution to ensure permitting requirements are being met.

- Intervenors were concerned over the lack of regulations regarding pit and quarry operations.

- Intervenors contended that the present Nova Scotia Pit and Quarry Guidelines allow operations to continue even though permitting requirements related to blasting, rehabilitation, sedimentation ponds, air quality, etc., are not being met.

- Questions were raised concerning the ability to close down a quarry for any reason once it has received a permit to commence operation.

## 4.17 REHABILITATION

- The proponent contended that the Terms of Reference for the Environmental Assessment Report did not require details on rehabilitation.

- The proponent made a commitment to progressively rehabilitate the site.

- The proponent contended that drainage characteristics of restored areas of the development, after a one year period, would be similar to those existing before development.

- The proponent stated that they will manage and treat surface runoff water from restored areas until erosion potential "has been reduced to acceptable limits".

- The proponent concurred that the $2,000 per acre rehabilitation surety required by the Nova Scotia Pit and Quarry Guidelines is inadequate. It was estimated by the proponent that $7,500 per acre would be a more realistic amount, but that the imposition of this amount, without a change in the present guidelines, would place the proponent at a competitive disadvantage.

- The proponent made a commitment to reforest, in the spring of 1992, those lands owned by S.R. MacKay and Sons and recently harvested by Barrett Lumber.

Points of Contention

- The Terms of Reference for the Environmental Assessment Report clearly required the proponent to present a detailed plan for site rehabilitation.

- Intervenors were adamant that the present surety of $2,000 per acre for rehabilitation was unrealistic.

- Intervenors questioned the proponent's contention that surface drainage conditions on the rehabilitated land, one year after development, would be similar to the original undisturbed site.

- An intervenor contended that it was an insult to suggest that it was possible to replace the existing plant community within a short period when it has taken hundreds of years to develop.

## 4.18 SAFETY PROCEDURES AND CONTINGENCY PLANNING

- The proponent made a commitment to comply with permitting regulations, i.e. the Transportation of Dangerous Goods Act and Regulations, Nova Scotia Construction Safety Act and Regulations, Nova Scotia Occupational Health and Safety Act and related regulations.

- The proponent noted that their safety program would include the following:

  (a) personnel will be appropriately trained;

  (b) first aid facilities will be maintained on the site;

  (c) access to the site will be restricted;

(d) procedures to deal with accidents will be developed as required by federal and provincial statutes and regulations; and

(e) the boundaries of the site will be posted.

- The proponent agreed to provide an immediate delivery of water to any resident or homeowner using a well within one mile of the development if their water supply is interrupted.

- The proponent provided information concerning the operation of the sedimentation ponds including:

(a) training of staff in altering the flow release by removal of stop logs;

(b) arrangements for trained staff to be on stand-by duty as required;

(c) weekly inspections of the ponds; and

(d) a record of the operations of individual ponds.

- The proponent indicated that planned blasting events would be delayed when thermal inversions occur and a watchman would be assigned to the site until the blast can be safely detonated.

Points of Contention

- There was major concern over the ability of the surface water control system to adequately control discharges associated with extreme weather events.

- In spite of extensive consultation, experts were unable to agree on the principles underlying the proposed surface water control system, including theoretical and technical design parameters.

- The proponent agreed to work with the Community Liaison Committee in determining, on a case by case basis, the circumstances under which the emergency supply of water would be continued.

## 4.19 COMMUNITY LIAISON COMMITTEE

- The proponent made a commitment to participate in and financially support a Community Liaison Committee to resolve disputes and address concerns raised during the operation of the development.

## SECTION 5

## PANEL SUMMATION

## SECTION 5

## PANEL SUMMATION

### 5.1 BACKGROUND

The proposed development is a large, complex and multi-phased industrial project, to extend over a long and uncertain time period, set in close proximity to one of the major residential areas of suburban Halifax. The Panel accepts that the proponent would intend to operate a state-of-the-art project incorporating responsible management and the latest pollution control technology. Nor does the Panel consider that the proponent should be judged on the basis of the poor environmental record of previous and existing quarries in the metropolitan area. Based on the proponent's experience and the results of the environmental assessment studies, they contended that the project would not have significant negative impacts on the natural environment, the local economy or the quality of life of the residents.

The general setting for the proposed project is one of the few areas available for future expansion of residential and recreational developments in suburban Halifax. The residents clearly explained and documented their long and troubled involvement with previous and currently operating rock extraction facilities in the neighbourhood. This experience has long since led to a deep-rooted conviction that quarry operations do not fit in the long-term plans for their community. The challenge facing the Panel was to carefully assess these two conflicting positions and arrive at a recommendation that would represent the greater good.

### 5.2 MAJOR PANEL CONCERNS

(1) In spite of the technical evidence and arguments presented, the proponent did not satisfy the Panel that the proposed development would not pose potentially serious risks to the natural and social environments of the area. The scale, complexity and longevity of the project, when combined with the close proximity of existing and future residential housing and prime recreational resources, represents an incompatible clash of land uses. The Panel has particular concerns over the negative impacts of the project on local traffic volumes and noise levels as well as the potential effects on air quality and surface water quality under extreme weather conditions.

(2) Based on their extensive experience with quarries operating in the immediate area, the residents had decided long ago that such activities were not compatible with the kind of residential lifestyle they were promoting for their community. This

antipathy towards rock quarries has grown over the years and is now deeply rooted in all sectors of the community. In their experience, quarries tend to remain active until the preferred rock supply has been exhausted. In this case, the life expectancy of the proposed project could not be clearly defined, but could extend beyond 20 years.

(3) The Panel recognizes the need for aggregate but are not convinced that the present demand warrants another rock quarry in the metropolitan area at this time. Evidence suggested that existing quarries serving the area are operating well below capacity and would be able to meet local demand for crushed rock in the foreseeable future. The development of the proposed quarry would be to the commercial advantage of the proponent and might lead to a slight reduction in prices through increased competition, but the overall effect was considered to be marginal.

(4) Based on experiences and incidents reviewed at the public hearing, the Panel is concerned about the ability of government to adequately monitor and control quarry operations. The problem involves a lack of sufficient resources coupled with a weak regulatory mandate. It seems that once a quarry receives a permit to operate, it is unlikely to be shut down for violating government guidelines or for causing environmental problems. This is an unacceptable situation which needs to be addressed by the appropriate regulatory authorities.

(5) The Panel was concerned about the ability of the proponent to control surface runoff and thereby protect Kearney Lake from unacceptable levels of sedimentation. There were significant differences of opinion between experts on the possibility of implementing a surface drainage system that would absolutely prevent large volumes of sediment from entering Black Duck Brook and Kearney Lake under extreme weather conditions. Given that Kearney Lake appears to have been subjected to high levels of sedimentation in the past, the Panel was concerned about the effects of further sediment loading.

(6) Although it was called for in the Terms of Reference for the Environmental Assessment Report, the proponent did not provide sufficient detail on the proposed site rehabilitation plan. To the extent that information was available, it was not clear to the Panel that the actions contemplated by the proponent were technically feasible or were designed to take account of severe weather conditions.

(7) The Panel felt that the Environmental Assessment Report submitted by the proponent lacked clarity and detail on a number of important issues. In some cases, information was missing, conclusions were not supported with data or information was presented in a confusing manner. The proponent did its best to

rectify these shortcomings, however, the Panel felt itself to be at some disadvantage during certain sections of the public hearing.

## 5.3 PANEL CONCLUSION

Based on careful consideration of the information presented at the public hearing and technical submissions made by expert advisors, and in view of the concerns noted above, the Panel concludes that the rock extraction and processing operation and associated cement and asphalt plants pose significant and unacceptable risks to the natural and social environments of the nearby surrounding community.

## 5.4 PANEL RECOMMENDATION

**The Panel recommends that no components of the development proposed by Blue Mountain Resources Limited, consisting of a rock extraction and processing operation, a cement plant and an asphalt plant, be permitted to proceed at the site in question.**

## ACKNOWLEDGEMENTS

The Nova Scotia Environmental Control Council acknowledges the valuable contributions made by individuals and organizations who prepared written and/or oral submissions and those who attended the public consultation meetings. Without the interest and contribution of all these people, completion of this report would not have been possible.

## LIST OF APPENDICES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Nova Scotia

**Department of the Environment**

Office of the Minister

PO Box 2107
Halifax, Nova Scotia
B3J 3B7

Our file no.

05-89-0210-03.9B

JUL 25 1991

Mr. James Harrison, Chairman
N. S. Environmental Control Council
P.O. Box 2107
Halifax, Nova Scotia
B3J 3B7

Dear Chairman:

Re: Blue Mountain Resource's Aggregate Quarry Proposal
Environmental Assessment Report

Pursuant to Section 21 of the Environmental Assessment Regulations, I hereby refer the Environmental Assessment Report on this project to the Council's attention.

Sincerely yours,

John G. Leefe
Minister

## NOTICE OF HEARING

**BLUE MOUNTAIN RESOURCES LTD.
ROCK EXTRACTION AND
PROCESSING DEVELOPMENT**

Notice is hereby given that the Environmental Control Council for the Province of Nova Scotia will hold a public hearing pursuant to the Environmental Assessment Act, Chapter 149, R.S.N.S., at Bedford, N.S.

Place: - LeBrun Community Centre, 36 Holland Avenue, Bedford, N.S.
Date: September 23, 24, 25, and if necessary, September 26 and 27, 1991
Time: September 23
9:00a.m.-11:30a.m.; 2:00p.m.-4:30p.m.
September 24 and 25
2:00p.m.-4:30p.m.; 7:00p.m.-9:30p.m.

"The purpose of a hearing under the Act shall be to:

(a) receive submissions and comments from any interested party;
(b) ask questions and seek answers respecting the environmental impact of an undertaking; and
(c) provide information which will assist the hearing panel to prepare its recommendations to the Minister." Section 3, Environmental Assessment Hearing Regulations.

Any interested party may attend and make presentations after having notified the undersigned on or before September 14, 1991. Written submissions must be received by September 14, 1991, at the following address:

Environmental Control Council
5151 Terminal Road
(902) 424-6387
or
P.O. Box 2107
Halifax, N.S.
B3J 3B7

Information respecting this proposed undertaking is available for inspection at the Library, Department of the Environment, 5151 Terminal Road, Halifax, N.S.

Dated at Halifax, Nova Scotia this 2nd day of August, 1991.

Nova Scotia Environmental Control Council

Shirley Nicholson
Secretary and
Chief Executive Officer

The Chronicle-Herald Friday, August 9, 1991

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ENVIRONMENTAL CONTROL COUNCIL
5151 TERMINAL ROAD
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P.O. BOX 2107
HALIFAX, N.S.
B3J 3B7

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Nova Scotia Environmental Control Council

Shirley Nicholson
Secretary and
Chief Executive Officer

The Daily News, Friday, August 9, 1991

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September 24 and 25
2:00p.m.-

**HEARING POSTPONED UNTIL FURTHER NOTICE**

...the Minister ...Assessment Hearing

...ested party may attend and make presentations after having notified the undersigned on or before **September 14, 1991.** Written submissions must be received by **September 14, 1991,** at the following address

**Environmental Control Council**
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Nova Scotia Environmental Control Council

Shirley Nicholson
Secretary and
Chief Executive Officer

The Chronicle-Herald Friday, August 30, 1991

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(c)

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The Daily News, Friday, August 30, 1991

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**Place:** St. Peter's Anglican Church Hall
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**Date:** November 21, 22, 23, and if necessary.
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Dated at Halifax, Nova Scotia this 29th day of August, 1991.

Nova Scotia
Environmental Control Council

Shirley Nicholson
Secretary and
Chief Executive Officer

The Chronicle-Herald Friday, September 6, 1991

## NOTICE OF HEARING

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Dated at Halifax, Nova Scotia this 29th day of August, 1991.

Nova Scotia
Environmental Control Council

Shirley Nicholson
Secretary and
Chief Executive Officer

The Daily News, Friday, September 6, 1991

Certified to be a true copy of an Order of his Honour the Lieutenant Governor of Nova Scotia in Council made the 12th day of September, A.D., 1991.

91-1062

The Governor in Council is pleased to make the following appointments:

To be appointed as Commissioners pursuant to the Notaries and Commissioners Act:

Ms. Joanne Kacevychius of Sydney, in the County of Cape Breton, for a term to expire September 30, 1996;

Alan A. Sutherland of Truro, in the County of Colchester, for a term to expire September 30, 1996;

Kyle W. Hebb of Parrsboro, in the County of Cumberland, for a term to expire September 30, 1996;

Ms. Marcia Lorraine Kennedy of RR #2 Larry's River, in the County of Guysborough, for a term to expire September 30, 1996;

Byron G. Bezanson of Dartmouth, in the County of Halifax, for a term to expire September 30, 1996;

Jennifer M. Clow of Bedford, in the County of Halifax, for a term to expire September 30, 1996;

Patricia L. Comeau of Halifax, in the County of Halifax, for a term to expire September 30, 1996;

Ms. Romi Foley of Halifax, in the County of Halifax, for a term to expire September 30, 1996;

Ms. Fiona McShane of Halifax, in the County of Halifax, for a term to expire September 30, 1996;

Ms. Sue Quesnel of Bedford, in the County of Halifax, for a term to expire September 30, 1996;

Nancy Anne Wesson of Lower Sackville, in the County of Halifax, for a term to expire September 30, 1996;

Melinda E. Roast of RR #2 Kentville, in the County of Kings, for a term to expire September 30, 1996;

Allan Rodgers of Stellarton, in the County of Pictou, for a term to expire September 30, 1996;

Ms. Elizabeth Enslow of RR #2 Shelburne, in the County of Shelburne, for a term to expire September 30, 1996;

Mrs. Beverley A. Hawley of Ingonish Beach, in the County of Victoria, for a term to expire September 30, 1996; and

Lise Anne Pothier of Middle West Pubnico, in the County of Yarmouth, for a term to expire September 30, 1996.

H.F.G. STEVENS, Q.C.,
CLERK OF THE
EXECUTIVE COUNCIL

---

NOTICE OF HEARING

**BLUE MOUNTAIN RESOURCES LTD. ROCK EXTRACTION AND PROCESSING DEVELOPMENT**

Notice is hereby given that the Environmental Control Council for the Province of Nova Scotia will hold a public hearing pursuant to the Environmental Assessment Act, Chapter 149, R.S.N.S. at Halifax, N.S.

Place:
St. Peter's Anglican Church Hall
3 Dakin Drive, Halifax, N.S.

Date:
November 21, 22, 23 and if necessary November 26 and 28, 1991

Time:
November 21
2:00 p.m. - 4:30 p.m.; 7:00 p.m. - 9:30 p.m.
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(c) provide information which will assist the hearing panel to prepare its recommendations to the Minister." Section 3, Environmental Assessment Hearing Regulations.

Any interested party may attend and make presentations after having notified the undersigned on or before November 13, 1991. Written submissions must be received by November 13, 1991 at the following address:

Environmental Control Council
5151 Terminal Road
(902) 424-6387
or
P.O. Box 2107
Halifax, N.S.
B3J 3B7

Information respecting this proposed undertaking is available for insepction at the Library, Department of the Environment, 5151 Terminal Road, Halifax, N.S.

Dated at Halifax, Nova Scotia, this 29th day of August, 1991.
Shirley Nicholson
Secretary and
Chief Executive Officer

---

NOTICE OF HEARING

**KELROCK LIMITED GLEN MORRISON LIMESTONE PROJECT**

Notice is hereby given that the Environmental Control Council for the Province of Nova Scotia will hold a public hearing pursuant to the Environmental Assessment Act, Chapter 149, R.S.N.S. at Sydney Forks, N.S.

Place:
Sydney Forks Recreation Centre,
Sydney Forks, N.S.

Date:
October 17, 1991, and if required, October 18, 1991

Time:
October 17, 1991
2:00 p.m. - 4:30 p.m.; 7:00 p.m. - 9:30 p.m.

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(c) provide information which will assist the hearing panel to prepare its recommendations to the Minister." Section 3, Environmental Assessment Hearing Regulations.

Any interested party may attend and make presentations after having notified the undersigned on or before October 8, 1991. Written submissions must be received by October 8, 1991 at the following address:

## NOTICE OF HEARING

**BLUE MOUNTAIN RESOURCES LTD.
ROCK EXTRACTION AND
PROCESSING DEVELOPMENT**

Notice is hereby given that the Environmental Control Council for the Province of Nova Scotia will hold a public hearing pursuant to the Environmental Assessment Act, Chapter 149, R.S.N.S., at Halifax, N.S.

**Place:** St. Peter's Anglican Church Hall
3 Dakin Drive, Halifax, N.S.

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Any interested party may attend and make presentations after having notified the undersigned on or before **November 13, 1991.** Written submissions must be received by **November 13, 1991,** at the following address:

**Environmental Control Council
5151 Terminal Road
(902) 424-6367
or
P.O. Box 2107
Halifax, N.S.
B3J 3B7**

Information respecting this proposed undertaking is available for inspection at the Library, Department of the Environment, 5151 Terminal Road, Halifax, N.S.

Dated at Halifax, Nova Scotia this 29th day of August, 1991.

Nova Scotia
Environmental Control Council

Shirley Nicholson
Secretary and
Chief Executive Officer

The Chronicle-Herald, November 1, 1991

## NOTICE OF HEARING

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**Environmental Control Council
5151 Terminal Road
(902) 424-6367
or
P.O. Box 2107
Halifax, N.S.
B3J 3B7**

Information respecting this proposed undertaking is available for inspection at the Library, Department of the Environment, 5151 Terminal Road, Halifax, N.S.

Dated at Halifax, Nova Scotia this 29th day of August, 1991.

Nova Scotia
Environmental Control Council

Shirley Nicholson
Secretary and
Chief Executive Officer

The Daily News, November 2, 1991

## NOTICE OF HEARING

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ROCK EXTRACTION AND
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November 26
2:00 p.m.-4:30 p.m.; 7:00 p.m.-9:30 p.m.
November 28
2:00 p.m.-4:30 p.m.; 7:00 p.m.-9:30 p.m.

**Place:** Rockingham United Church Hall
12 Flamingo Drive, Halifax, N.S.

**Date:** November 30, 1991

**Time:** 9:30 a.m.-11:30 a.m.; 2:00 p.m.-4:30 p.m.

If you have an questions please contact the:

**Environmental Control Council
(902) 424-6387**

Information respecting this proposed undertaking is available for inspection at the Library, Department of the Environment, 5151 Terminal Road, Halifax, N.S.

Dated at Halifax, Nova Scotia this 19th day of November, 1991.

Nova Scotia

Environmental Control Council

**Shirley Nicholson
Secretary and
Chief Executive Officer**

The Chronicle-Herald/The Daily News
November 22, 1991

## FORMAL SUBMISSIONS

Mayor Moira Ducharme - City of Halifax
Anne MacMillan - Ward 12 Community Association
Jean Harding
Paul Galbraith
Russell Walker - Ward 10 Community Association
Bill Stone, Alderman - Ward 12
Dave Barrett
Mayor Peter Kelly - Town of Bedford
Dr. John Gray
Terry Hennigar
Beverley Sarty
Walter Fitzgerald
Betsy van Helvoort - Sandy Lake Area Residents Association
Thomas Willdey - Maskwa Aquatic Club
Marvin Silver
Aileen McCormick
Wayne Ryder - Residents of Kearney Lake Road
Gerry Lawrence, MLA - St. Margaret's-Bedford
Terry Sutcliffe
Ivan Duvar
Gerry Fogarty
Jean Pender
Gloria Lowther
Rebecca Attenborough
Youssef Arab
Dennis Bicknell - Sackville Rivers Association
June Coull
John Glass - Trout Unlimited Canada
Larry Riteman
Shirley Towill
Gwen MacLachlan
Michael Gardner
John Underwood, Ph.D
Gerald St.-Amand
James Johnson
Francene Cosman
Mary Moulton - Mount St. Vincent University
Rodger Middleton
James Eager - Canoe Nova Scotia
John Hanusiak - Village of Uplands Park

**FORMAL SUBMISSIONS (cont'd)**

Gus van Helvoort
Gary Winters
Shirley Evong
Dr. Ronald Martin
Finley Evong
George Hue
Don Howell - Bedford Bay Residents Association
Neil Bellefontaine
Lucie Goucher - Bedford Village Residents Association
Robert Blair - Golder Associates
Richard Hattin
James Tremills - Old Central Bedford Association
Lionel Conrod - Dartmouth Volksmarch Club
Earl Forgeron - Forgeron Investments Limited

**ORAL SUBMISSIONS**

Bill Campbell
George Armoyan
Corine Hunter
Ken McInnis
Bill Nugent
Ken MacLeod
Paul Miller
Mary McGraw
Jeff Gray
Ted Johnson
Craig Allen
Norma Bishop
Ed Pala
Rick Paynter
Barry Zwicker
Bob Attenborough
Charles Baxter
Ken Quary
Burglind Gregg
John Carnaghan
Alan Turner
Alan Ruffman
Nigel Creasy

**ORAL SUBMISSIONS (cont'd)**

Ian Booth
Don Waller, P. Eng.
Sherry Yundt, S.E. Yundt Limited
Walter Bisson

**BLUE MOUNTAIN RESOURCES LIMITED PRESENTATIONS**

George Colter, President
Al Chiasson, Vice President
Laurie Emms, UMA Engineering Limited
Frank Lockyer, UMA Engineering Limited
Dan McQuinn, Jacques Whitford and Associates
Doug Bernard, Jacques Whitford and Associates
Michael Foster, Canmac Economics Limited
Paul Fennel, Vice President, Coastal Real Estate Appraisals Limited
Hector Jacques, Jacques Whitford and Associates

**WRITTEN SUBMISSIONS**

Arnold J. Hughes, The Confederacy of Mainland Micmacs
Donald Murphy, Q.C., City of Halifax
Youssef Arab
Gwen MacLachlan
David Barrett, Barrett Lumber Company Limited
Gerry Fogarty
Lionel Conrod, Dartmouth Volksmarch Club
Earl Forgeron, Forgeron Investments Limited
Steve Moir, Town of Bedford
Sherry Yundt, S.E. Yundt Limited

**FURTHER WRITTEN SUBMISSIONS**

Steve Moir, Town of Bedford
UMA Engineering Limited on behalf of Blue Mountain Resources Limited
Larry Riteman
Shirley Evong
Pauline Spring
William Campbell, City of Halifax
D.H. Waller, P. Eng.
Mary O'Brien

**FURTHER WRITTEN SUBMISSIONS (cont'd)**

Wayne Ryder
Ian MacLellan, Department of Natural Resources
Aileen McCormick
Gloria Lowther, Peerless Subdivision and Area Residents Association
Gary V. Winters
Rebecca Attenborough
Jean Pender
Gerald St.-Amand
Lynn Thomas Baechler, M.Sc.
Betsy van Helvoort, Sandy Lake Area Residents Association
Anne E. MacMillan
Paul Miller
June Coull
Sherry Yundt, S.E. Yundt Limited
David Blair, Nova Scotia Department of the Environment

**TECHNICAL SUBMISSIONS**

David Blair, Nova Scotia Department of the Environment
C.J. Spencer, Environment Canada
H.T. Doane, P. Eng., Nova Scotia Department of the Environment
Ron Simpson, Department of Municipal Affairs
R.K. Sweeney, Fisheries and Oceans
Candace Stevenson, Department of Education
Randy MacDermid, Nova Scotia Department of the Environment
City of Halifax

# PRE-SESSION CONFERENCE

# BLUE MOUNTAIN RESOURCES LIMITED

**Date:** November 18th, 1991

**Time:** 7:00 p.m. - 9:00 p.m.

**Where:** St. Peter's Anglican Church Hall
3 Dakin Drive
Halifax, Nova Scotia

## PROPOSED AGENDA

1. **IDENTIFICATION OF PARTIES**

   - Proponents Panel: consultants/spokesperson/solicitors
   - Intervenors: consultants/spokesperson/solicitors

2. **TECHNICAL ADVISOR TO THE PANEL**

3. **IDENTIFY WITNESSES/EXPERT WITNESSES**

   - Names
   - Background Information
   - Nature of Evidence to be Presented

4. **IDENTIFICATION AND EXCHANGE OF JOURNALS/STUDIES/REPORTS RELEVANT TO ISSUES**
   (Section 12)

5. **PROPONENT'S PRESENTATION(S)**

- Opening Presentation (Section 15)
- Questioning
- Time Required
- Subsequent Presentations - Formal

6. **INTERVENOR PRESENTATION(S)**

- Formal Presentation [Section 16(1)]
- Time Required
- Informal Presentation [Section 16(2)]

7. **OPEN FORUM**

8. **FINALIZE AGENDA**

- November 21, 22, 23 (26 and 28)

9. **OTHER ITEMS**

**NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL**
**PUBLIC HEARING**
**ON**
**BLUE MOUNTAIN RESOURCES LIMITED**
**PROPOSED UNDERTAKING**
**ROCK EXTRACTION AND PROCESSING DEVELOPMENT**

**AGENDA**

**Thursday, November 21, 1991**

**Afternoon Session**

| | |
|---|---|
| 2:00 - 2:15: | Chair's Opening Remarks |
| 2:15 - 3:15: | Proponent's Opening Remarks |
| 3:15 - 3:25: | Question Period |
| 3:25 - 3:40: | Break |
| 3:40 - 4:00: | Moira Ducharme, Mayor - City of Halifax |
| 4:00 - 4:10: | Question Period |
| 4:10 - 4:30: | Anne MacMillan, Ward 12 Community Association |
| 4:30 - 4:40: | Question Period |
| 4:40: | Adjournment |

**Evening Session**

| | |
|---|---|
| 7:00 - 7:10: | Chair's Opening Remarks |
| 7:10 - 8:10: | Proponent's Opening Remarks |
| 8:10 - 8:20: | Question Period |
| 8:20 - 9:00: | George Armoyan |
| 9:00 - 9:15: | Break |

| | |
|---|---|
| 9:15 - 9:30: | Jean Harding |
| 9:30 - 9:50: | Paul Galbraith |
| 9:50 - 10:00: | Question Period |
| 10:00 - 10:05: | Russell Walker, Ward 10 Community Association |
| 10:05 - 10:15: | Question Period |
| 10:15 - 10:25: | Bill Stone, Alderman - Ward 12 |

**NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL**
**PUBLIC HEARING**
**ON**
**BLUE MOUNTAIN RESOURCES LIMITED**
**PROPOSED UNDERTAKING**
**ROCK EXTRACTION AND PROCESSING DEVELOPMENT**

# AGENDA

**Friday, November 22, 1991**

**Afternoon Session**

| | |
|---|---|
| 2:00 - 2:10: | Chair's Remarks |
| 2:10 - 2:20: | Proponent's Remarks |
| 2:20 - 2:40: | Dave Barrett |
| 2:40 - 2:50: | Question Period |
| 2:50 - 3:10: | Open Forum |
| 3:10 - 3:20: | Question Period |
| 3:20 - 3:30: | Break |
| 3:30 - 3:40: | Dr. John Gray |
| 3:40 - 3:50: | Question Period |
| 3:50 - 4:10: | Terry Hennigar |
| 4:10 - 4:20: | Question Period |
| 4:20 - 4:40: | Bev Sarty |
| 4:40 - 4:50: | Question Period |
| 4:50 - 4:55: | Walter Fitzgerald |
| 5:00: | Adjournment |

**Evening Session**

| | |
|---|---|
| 7:00 - 7:10: | Chair's Remarks |
| 7:10 - 7:20: | Proponent's Remarks |
| 7:20 - 7:40: | Betsy van Helvoort, Sandy Lake Area Residents Association |
| 7:40 - 7:50: | Question Period |
| 7:50 - 8:10: | Tom Willdey, Maskwa Aquatic Club |
| 8:10 - 8:20: | Question Period |
| 8:20 - 8:30: | Break |
| 8:30 - 8:50: | Marvin Silver |
| 8:50 - 9:00: | Question Period |
| 9:00 - 9:20: | Aileen McCormick |
| 9:20 - 9:30: | Question Period |
| 9:30 - 9:50: | Wayne Ryder, Residents of Kearney Lake Road |
| 9:50 - 10:00: | Question Period |
| 10:00: | Adjournment |

**NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL**
**PUBLIC HEARING**
**ON**
**BLUE MOUNTAIN RESOURCES LIMITED**
**PROPOSED UNDERTAKING**
**ROCK EXTRACTION AND PROCESSING DEVELOPMENT**

**AGENDA**

**Saturday, November 23, 1991**

**Morning Session**

| | |
|---|---|
| 9:30 - 9:40: | Chair's Opening Remarks |
| 9:40 - 9:50: | Proponent's Remarks |
| 9:50 - 9:55: | Forgeron Investments Limited |
| 9:55 - 10:05: | Question Period |
| 10:05 - 10:15: | Gerry Lawrence, MLA - St. Margaret's-Bedford |
| 10:15 - 10:20: | Question Period |
| 10:20 - 10:30: | Break |
| 10:30 - 10:50: | Paul Miller |
| 10:50 - 11:00: | Question Period |
| 11:00 - 11:10: | Ivan Duvar |
| 11:10 - 11:20: | Question Period |
| 11:20 - 11:30: | Gerry Fogarty |
| 11:30 - 11:40: | Question Period |
| 11:40: | Adjournment |

**Afternoon Session**

| | |
|---|---|
| 2:00 - 2:10: | Chair's Opening Remarks |
| 2:10 - 2:20: | Proponent's Remarks |
| 2:20 - 2:30: | Question Period |
| 2:30 - 2:50: | Jean Pender |
| 2:50 - 3:00: | Question Period |
| 3:00 - 3:20: | Gloria Lowther, Peerless Subdivision and Area Residents Association |
| 3:20 - 3:30: | Question Period |
| 3:30 - 3:40: | Break |
| 3:40 - 3:55: | Rebecca Attenborough |
| 3:55 - 4:05: | Question Period |
| 4:05 - 4:10: | Youssef Arab |
| 4:10 - 4:20: | Question Period |
| 4:20 - 4:40: | Dennis Bicknell, Sackville Rivers Association |
| 4:40 - 4:50: | Question Period |
| 4:50: | Adjournment |

**NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL**
**PUBLIC HEARING**
**ON**
**BLUE MOUNTAIN RESOURCES LIMITED**
**PROPOSED UNDERTAKING**
**ROCK EXTRACTION AND PROCESSING DEVELOPMENT**

**AGENDA**

**Tuesday, November 26, 1991**

**Afternoon Session**

| | |
|---|---|
| 2:00 - 2:10: | Chair's Opening Remarks |
| 2:10 - 2:20: | Proponent's Remarks |
| 2:20 - 2:30: | Question Period |
| 2:30 - 2:50: | June Coull |
| 2:50 - 3:00: | Question Period |
| 3:00 - 3:20: | Mayor Peter Kelly, Town of Bedford |
| 3:20 - 3:30: | Break |
| 3:30 - 3:50: | John Glass, Trout Unlimited Canada |
| 3:50 - 4:00: | Question Period |
| 4:00 - 4:20: | Larry Riteman |
| 4:20 - 4:30: | Question Period |
| 4:30 - 4:50: | Shirley Towill |
| 4:50 - 5:00: | Question Period |
| 5:00: | Adjournment |

**Evening Session**

| | |
|---|---|
| 7:00 - 7:10: | Chair's Opening Remarks |
| 7:10 - 7:20: | Proponent's Remarks |
| 7:20 - 7:30: | Question Period |
| 7:30 - 7:40: | Gwen MacLachlan |
| 7:40 - 7:50: | Question Period |
| 7:50 - 8:10: | Michael Gardner |
| 8:10 - 8:20: | Question Period |
| 8:20 - 8:30: | Break |
| 8:30 - 8:50: | John Underwood |
| 8:50 - 9:00: | Question Period |
| 9:00 - 9:15: | Gerry St.-Amand |
| 9:15 - 9:25: | Question Period |
| 9:25 - 9:45: | James Johnson |
| 9:45 - 9:55: | Question Period |
| 9:55: | Adjournment |

**NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL**
**PUBLIC HEARING**
**ON**
**BLUE MOUNTAIN RESOURCES LIMITED**
**PROPOSED UNDERTAKING**
**ROCK EXTRACTION AND PROCESSING DEVELOPMENT**

**AGENDA**

**Thursday, November 28, 1991**

**Afternoon Session**

| | |
|---|---|
| 2:00 - 2:10: | Chair's Remarks |
| 2:10 - 2:20: | Proponent's Remarks |
| 2:20 - 2:35: | Francene Cosman |
| 2:35 - 2:45: | Question Period |
| 2:45 - 2:55: | Mary Moulton, Mount St. Vincent University |
| 2:55 - 3:05: | Question Period |
| 3:05 - 3:15: | Rodger Middleton |
| 3:15 - 3:25: | Question Period |
| 3:25 - 3:35: | James Eager, Canoe Nova Scotia |
| 3:35 - 3:45: | Question Period |
| 3:45 - 3:55: | John Hanusiak, Village of Uplands Park |
| 3:55 - 4:05: | Question Period |
| 4:05 - 4:25: | Gus van Helvoort |
| 4:25 - 4:35: | Question Period |
| 4:35: | Adjournment |

**Evening Session**

| | |
|---|---|
| 7:00 - 7:10: | Chair's Remarks |
| 7:10 - 7:20: | Proponent's Remarks |
| 7:20 - 7:40: | Gary Winters |
| 7:40 - 7:50: | Question Period |
| 7:50 - 8:10: | Shirley Evong |
| 8:10 - 8:20: | Question Period |
| 8:20 - 8:30: | Break |
| 8:30 - 8:50: | Dr. Ronald Martin |
| 8:50 - 9:00: | Question Period |
| 9:00 - 9:20: | Finley Evong |
| 9:20 - 9:30: | Question Period |

**NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL**
**PUBLIC HEARING**
**ON**
**BLUE MOUNTAIN RESOURCES LIMITED**
**PROPOSED UNDERTAKING**
**ROCK EXTRACTION AND PROCESSING DEVELOPMENT**

**AGENDA**

**Saturday, November 30, 1991**

**Morning Session**

| | |
|---|---|
| 9:30 - 9:35: | Chair's Remarks |
| 9:35 - 9:40: | Proponent's Remarks |
| 9:40 - 10:00: | George Hue |
| 10:00 - 10:10: | Question Period |
| 10:10 - 10:30: | Don Howell, Bedford Bay Residents Association |
| 10:30 - 10:40: | Question Period |
| 10:40 - 10:50: | Break |
| 10:50 - 11:10: | Neil Bellefontaine |
| 11:10 - 11:20: | Question Period |
| 11:20 - 11:30: | Lucie Goucher, Bedford Village Residents Association |
| 11:30 - 11:40: | Question Period |
| 11:40: | Adjournment |

**Afternoon Session**

| | |
|---|---|
| 2:00 - 2:05: | Chair's Remarks |
| 2:05 - 2:20: | Robert Blair, Golder Associates |
| 2:20 - 2:30: | Question Period |
| 2:30 - 2:50: | Richard Hattin |
| 2:50 - 3:00: | Question Period |
| 3:00 - 3:10: | Break |
| 3:10 - 3:30: | James Tremills, Old Central Bedford Association |
| 3:30 - 3:40: | Question Period |
| 3:40 - 3:50: | Lionel Conrod, Dartmouth Volksmarch Club |
| 3:50 - 4:50: | Proponent's Summation |
| 4:50 - 5:00: | Chair's Closing Remarks |

**ADJOURNMENT OF HEARING**

# CHAIR'S OPENING REMARKS

**Afternoon Session**

**Blue Mountain Resources Limited**
**Proposed Undertaking**

**Rock Extraction and Processing Development**

## *PUBLIC HEARING*

**Halifax, N.S., November 21, 1991**

GOOD AFTERNOON, LADIES AND GENTLEMEN. MY NAME IS DON BRAGG AND I WILL BE CHAIRING THESE PUBLIC HEARINGS ON BLUE MOUNTAIN RESOURCES LIMITED PROPOSED UNDERTAKING OF A ROCK EXTRACTION AND PROCESSING DEVELOPMENT.

THESE HEARINGS ARE BEING HELD WITHOUT PREJUDICE.

SERVING WITH ME ON THIS PANEL ARE FELLOW NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL MEMBERS: **SANDRA STAFFORD AND GORDON BEANLANDS**. ASSISTING US IN CONDUCTING THE PROCEEDINGS WILL BE **SHIRLEY NICHOLSON**, SECRETARY AND CHIEF EXECUTIVE OFFICER OF THE COUNCIL AND **MARSHALL BURGESS**, LEGAL COUNSEL.

PUBLIC HEARING SESSIONS ARE BEING HELD TODAY, NOVEMBER 22, 23, 26, 28 AND 30, 1991. TODAY'S HEARING SESSIONS ARE SCHEDULED FROM 2:00 pm. TO 4:30 pm. AND FROM 7:00 pm. TO 9:30 pm.

ALL HEARING SESSIONS ARE OPEN TO THE GENERAL PUBLIC AND PART OF MY RESPONSIBILITY IS TO MAKE SURE THAT THOSE WHO WISH TO MAKE A STATEMENT OR TO ASK A QUESTION ARE PROVIDED WITH THAT OPPORTUNITY.

THIS HEARING IS HELD UNDER THE PROVISIONS OF THE N.S. ENVIRONMENTAL ASSESSMENT ACT, CHAPTER 149, R.S.N.S., 1989, "REGULATIONS MADE PURSUANT TO THE ENVIRONMENTAL ASSESSMENT ACT" AND THE "ENVIRONMENTAL ASSESSMENT HEARING REGULATIONS".

THE EVENTS PRECEDING THESE PUBLIC HEARINGS ARE AS FOLLOWS:

1. THE PROJECT WAS REGISTERED AS A CLASS I UNDERTAKING WITH THE N.S. DEPARTMENT OF THE ENVIRONMENT ON DECEMBER 27, 1989 AND PUBLIC NOTICE WAS GIVEN BY BLUE MOUNTAIN RESOURCES LIMITED BY NEWSPAPER ADVERTISEMENT ON JANUARY 4, 1990.

2. DRAFT GUIDELINES FOR THE TERMS OF REFERENCE WERE RELEASED TO THE PUBLIC ON FEBRUARY 26, 1990, FOR REVIEW AND COMMENT BY APRIL 2, 1990.

3. FINAL GUIDELINES FOR PREPARATION OF THE TERMS OF REFERENCE FOR THE ENVIRONMENTAL ASSESSMENT REPORT WERE FORWARDED TO THE PROPONENT ON APRIL 20, 1990.

4. THE DRAFT TERMS OF REFERENCE WERE RECEIVED ON JULY 26, 1990 AND APPROVED BY THE MINISTER ON AUGUST 7, 1990.

5. THE DRAFT ENVIRONMENTAL ASSESSMENT REPORT WAS SUBMITTED TO THE ENVIRONMENTAL ASSESSMENT ADMINISTRATOR ON JUNE 25, 1991, AND APPROVED BY THE MINISTER OF THE ENVIRONMENT ON JULY 6, 1991.

6. THE FINAL ENVIRONMENTAL ASSESSMENT REPORT WAS RECEIVED BY THE MINISTER ON JULY 19, 1991, AND RELEASED TO THE PUBLIC ON JULY 26, 1991, FOR REVIEW AND WRITTEN COMMENTS TO THE ENVIRONMENTAL ASSESSMENT ADMINISTRATOR ON OR BEFORE SEPTEMBER 13, 1991.

THE MINISTER OF THE ENVIRONMENT REFERRED THE ENVIRONMENTAL ASSESSMENT REPORT TO THE ENVIRONMENTAL CONTROL COUNCIL ON JULY 25, 1991 AND THE CHAIRMAN OF THE COUNCIL ADVISED THE MINISTER BY LETTER DATED JULY 30, 1991, OF THE APPOINTMENT OF THIS HEARING PANEL.

PUBLIC NOTICE OF THIS HEARING AND ITS PURPOSE WAS ADVERTISED IN THE CHRONICLE-HERALD AND THE DAILY NEWS ON AUGUST 9, 1991 AND IN THE ROYAL GAZETTE ON SEPTEMBER 18, 1991. NOTICE OF HEARING POSTPONEMENT WAS ADVERTISED IN THE CHRONICLE-HERALD AND THE DAILY NEWS ON AUGUST 30, 1991. PUBLIC NOTICE OF THE RE-SCHEDULED HEARING WAS ADVERTISED IN THE CHRONICLE-HERALD ON SEPTEMBER 6, 1991 AND NOVEMBER 1, 1991 AND THE DAILY NEWS ON SEPTEMBER 6, 1991 AND NOVEMBER 2, 1991. A NOTICE WILL BE PUBLISHED IN THE CHRONICLE-HERALD AND THE DAILY NEWS ON NOVEMBER 22, 1991 TO NOTIFY THE PUBLIC OF THE ADDITIONAL HEARING SESSIONS ON NOVEMBER 26, 28 AND 30, 1991.

A PRE-SESSION CONFERENCE WAS HELD ON NOVEMBER 18, 1991.

THE "ENVIRONMENTAL ASSESSMENT HEARING REGULATIONS" OUTLINE THE PROCEDURES FOR THESE HEARINGS.

COPIES OF THE DOCUMENTS THAT I HAVE MENTIONED ARE AVAILABLE FOR PERUSAL AT THE REGISTRATION TABLE.

A TECHNICAL REVIEW OF THE ENVIRONMENTAL ASSESSMENT REPORT IS BEING CARRIED OUT BY THE ENVIRONMENTAL ASSESSMENT ADMINISTRATOR, AND A REPORT AND RECOMMENDATIONS WILL BE SUBMITTED BY HIM TO THE MINISTER OF THE ENVIRONMENT NOT LATER THAN JANUARY 14, 1992.

THE PURPOSE OF THIS HEARING IS TO:

- RECEIVE SUBMISSIONS AND COMMENTS FROM ANY INTERESTED PARTY,

- ASK QUESTIONS AND SEEK ANSWERS RESPECTING THE ENVIRONMENTAL IMPACT OF THE PROPOSED UNDERTAKING,

- IDENTIFY ENVIRONMENTAL CONCERNS AND THE MEASURES PROPOSED FOR MITIGATION OR ELIMINATION OF THEM,

- PROVIDE INFORMATION WHICH WILL ASSIST THIS HEARING PANEL IN PREPARING A REPORT AND RECOMMENDATIONS TO THE MINISTER OF THE ENVIRONMENT.

ANY PERSON SCHEDULED TO ADDRESS THE HEARING PANEL OR ANYONE WHO WISHES TO ASK A QUESTION MUST FILL OUT A FORM AT THE REGISTRATION TABLE.

IF YOU HAVE WRITTEN TEXT, PLEASE LEAVE IT WITH US FOR COPYING, AS IT WILL BECOME PART OF THIS HEARING RECORD.

PRESENTATIONS WILL BE LIMITED TO 20 MINUTES, EXCEPT WHERE NOTED ON THE AGENDA, FOLLOWED BY A 10 MINUTE QUESTION PERIOD.

FOLLOWING THE SCHEDULED PRESENTERS, ANY REMAINING TIME WILL BE OPEN TO THE PUBLIC FOR COMMENTS OR QUESTIONS.

YOU WILL NOTE THAT A TABLE HAS BEEN PROVIDED FOR THE MEDIA. REPRESENTATIVES OF THE MEDIA ARE PERMITTED TO TAKE PRE-HEARING PHOTOGRAPHS. ONCE THE HEARING SESSION BEGINS, ALL SPOT LIGHTS ARE TO BE TURNED OFF AND CAMERAS LEFT ON FIXED MOUNTS. ANY INTERVIEWS BY MEDIA PEOPLE ARE TO BE CONDUCTED OUTSIDE OF THIS HEARING ROOM.

OUR AGENDA WILL BE AS FOLLOWS:

1. THE PROPONENT, BLUE MOUNTAIN RESOURCES LIMITED, WILL GIVE A DESCRIPTION OF THE PROPOSED UNDERTAKING.

2. SCHEDULED PRESENTERS WILL SPEAK AS SHOWN IN THE AGENDA.

3. AFTER THE SCHEDULED PRESENTERS, OTHER MEMBERS OF THE PUBLIC WILL HAVE AN OPPORTUNITY TO COMMENT IF TIME PERMITS.

4. BEFORE MAKING YOUR PRESENTATION, YOU WILL BE ASKED TO TAKE AN OATH OR AFFIRMATION.

5. ALL PROCEEDINGS ARE BEING TRANSCRIBED AND REQUIRE THAT YOUR PRESENTATIONS, QUESTIONS AND COMMENTS BE MADE AT A MICROPHONE. PLEASE IDENTIFY YOURSELF, YOUR PLACE OF RESIDENCE AND YOUR AFFILIATION, IF ANY.

6. ALL QUESTIONS ARE TO BE DIRECTED TO THE CHAIR FOR RESPONSE FROM THE APPROPRIATE PERSON.

ARE THERE ANY QUESTIONS ANYONE MIGHT HAVE REGARDING THE STRUCTURE AND CONDUCT OF OUR HEARINGS?

WE WILL NOW PROCEED WITH THE AGENDA.

# CHAIR'S OPENING REMARKS

**Evening Session**

**Blue Mountain Resources Limited**
**Proposed Undertaking**

**Rock Extraction and Processing Development**

***PUBLIC HEARING***
**Halifax, N.S. November 21, 1991**

GOOD EVENING, LADIES AND GENTLEMEN. MY NAME IS DON BRAGG AND I WILL BE CHAIRING THESE PUBLIC HEARINGS ON BLUE MOUNTAIN RESOURCES LIMITED'S PROPOSED UNDERTAKING, A ROCK EXTRACTION AND PROCESSING DEVELOPMENT.

THIS HEARING IS BEING HELD WITHOUT PREJUDICE.

SERVING WITH ME ON THIS PANEL ARE FELLOW NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL MEMBERS: **SANDRA STAFFORD AND GORDON BEANLANDS.** ASSISTING US IN CONDUCTING THE PROCEEDINGS WILL BE **SHIRLEY NICHOLSON**, SECRETARY AND CHIEF EXECUTIVE OFFICER OF THE COUNCIL AND **MARSHALL BURGESS**, LEGAL COUNSEL.

THIS EVENING'S HEARING SESSIONS ARE SCHEDULED FROM 7:00 pm. TO 10:00 pm.

ALL HEARING SESSIONS ARE OPEN TO THE GENERAL PUBLIC AND PART OF MY RESPONSIBILITY IS TO MAKE SURE THAT THOSE WHO WISH TO MAKE A STATEMENT OR TO ASK A QUESTION ARE PROVIDED WITH THAT OPPORTUNITY.

THIS HEARING IS HELD UNDER THE PROVISIONS OF THE N.S. ENVIRONMENTAL ASSESSMENT ACT, CHAPTER 149, R.S.N.S., 1989,

"REGULATIONS MADE PURSUANT TO THE ENVIRONMENTAL ASSESSMENT ACT" AND THE "ENVIRONMENTAL ASSESSMENT HEARING REGULATIONS".

THE EVENTS PRECEDING THIS PUBLIC HEARING CONFORM TO THE ENVIRONMENTAL ASSESSMENT ACT AND REGULATIONS AND WERE READ INTO THE RECORD AT THE AFTERNOON SESSION.

COPIES OF THE PERTINENT DOCUMENTS AND NOTICES ARE AVAILABLE FOR PERUSAL AT THE REGISTRATION TABLE.

A TECHNICAL REVIEW OF THE ENVIRONMENTAL ASSESSMENT REPORT IS BEING CARRIED OUT BY THE ENVIRONMENTAL ASSESSMENT ADMINISTRATOR, AND A REPORT AND RECOMMENDATIONS WILL BE SUBMITTED BY HIM TO THE MINISTER OF THE ENVIRONMENT NOT LATER THAN JANUARY 14, 1992.

THE PURPOSE OF THIS HEARING IS TO:

- RECEIVE SUBMISSIONS AND COMMENTS FROM ANY INTERESTED PARTY,

- ASK QUESTIONS AND SEEK ANSWERS RESPECTING THE ENVIRONMENTAL IMPACT OF THE PROPOSED UNDERTAKING,

- IDENTIFY ENVIRONMENTAL CONCERNS AND THE MEASURES PROPOSED FOR MITIGATION OR ELIMINATION OF THEM,

- PROVIDE INFORMATION WHICH WILL ASSIST THIS HEARING PANEL IN PREPARING A REPORT AND RECOMMENDATIONS TO THE MINISTER OF THE ENVIRONMENT.

ANY PERSON SCHEDULED TO ADDRESS THE HEARING PANEL OR ANYONE WHO WISHES TO ASK A QUESTION IS ASKED TO FILL OUT A FORM AT THE REGISTRATION TABLE.

IF YOU HAVE WRITTEN TEXT, PLEASE LEAVE IT WITH US FOR COPYING, AS IT WILL BECOME PART OF THIS HEARING RECORD.

PRESENTATIONS WILL BE LIMITED TO 20 MINUTES, EXCEPT WHERE NOTED ON THE AGENDA, FOLLOWED BY A 10 MINUTE QUESTION PERIOD.

FOLLOWING THE SCHEDULED PRESENTERS, ANY REMAINING TIME WILL BE OPEN TO THE PUBLIC FOR COMMENTS OR QUESTIONS.

YOU WILL NOTE THAT A TABLE HAS BEEN PROVIDED FOR THE MEDIA. REPRESENTATIVES OF THE MEDIA ARE PERMITTED TO TAKE PRE-HEARING PHOTOGRAPHS. ONCE THE HEARING SESSION BEGINS, ALL SPOT LIGHTS ARE TO BE TURNED OFF AND CAMERAS LEFT ON FIXED MOUNTS. ANY INTERVIEWS BY MEDIA PEOPLE ARE TO BE CONDUCTED OUTSIDE OF THIS HEARING ROOM.

OUR AGENDA WILL BE AS FOLLOWS:

1. THE PROPONENT, BLUE MOUNTAIN RESOURCES LIMITED, WILL GIVE A DESCRIPTION OF THE PROPOSED UNDERTAKING.

2. SCHEDULED PRESENTERS WILL SPEAK AS SHOWN IN THE AGENDA.

3. AFTER THE SCHEDULED PRESENTERS, OTHER MEMBERS OF THE PUBLIC WILL HAVE AN OPPORTUNITY TO COMMENT IF TIME PERMITS.

4. BEFORE MAKING YOUR PRESENTATION, YOU WILL BE ASKED TO TAKE AN OATH OR AFFIRMATION.

5. ALL PROCEEDINGS ARE BEING TRANSCRIBED AND REQUIRE THAT YOUR PRESENTATIONS, QUESTIONS AND COMMENTS BE MADE AT A MICROPHONE. PLEASE IDENTIFY YOURSELF, YOUR PLACE OF RESIDENCE AND YOUR AFFILIATION, IF ANY.

6. ALL QUESTIONS ARE TO BE DIRECTED TO THE CHAIR FOR RESPONSE FROM THE APPROPRIATE PERSON.

ARE THERE ANY QUESTIONS ANYONE MIGHT HAVE REGARDING THE STRUCTURE AND CONDUCT OF OUR HEARINGS?

WE WILL NOW PROCEED WITH THE AGENDA.

# CHAIR'S CLOSING REMARKS

**Blue Mountain Resources Limited**
**Proposed Undertaking**

**Rock Extraction and Processing Development**

## *PUBLIC HEARING*

**Halifax, N.S., November 30, 1991**

ANY PARTICIPANT AT THIS HEARING MAY, WITHIN 10 DAYS OF THE CLOSE OF THE HEARING, PRESENT WRITTEN ARGUMENTS AND SUBMISSIONS THROUGH THE SECRETARY AND CHIEF EXECUTIVE OFFICER TO THE HEARING PANEL.

THE NOVA SCOTIA ENVIRONMENTAL CONTROL COUNCIL, IN ACCORDANCE WITH THE ENVIRONMENTAL ASSESSMENT ACT, WILL SUBMIT A REPORT AND RECOMMENDATIONS TO THE MINISTER OF THE ENVIRONMENT NOT LATER THAN JANUARY 21, 1992. THE MINISTER WILL ALSO RECEIVE A REPORT WITH RECOMMENDATIONS FROM THE ENVIRONMENTAL ASSESSMENT ADMINISTRATOR.

THE MINISTER'S DECISION, AS TO WHETHER OR NOT THE PROPOSED UNDERTAKING MAY PROCEED, IS REQUIRED WITHIN 14 DAYS OF RECEIPT OF COUNCIL'S REPORT AND RECOMMENDATIONS.

THE MINISTER SHALL MAKE ONE OF THREE DECISIONS:

(1) TO DISALLOW THE PROPOSED UNDERTAKING
(2) TO ALLOW THE PROPOSED UNDERTAKING
(3) TO ALLOW THE PROPOSED UNDERTAKING WITH CERTAIN CONDITIONS OR STIPULATIONS

THE MINISTER WILL ALSO DECIDE IF THE ABOVE REPORTS ARE TO BE RELEASED TO THE PUBLIC.

THANK YOU FOR YOUR PARTICIPATION IN THIS HEARING.

THE HEARING IS NOW ADJOURNED.

## BIBLIOGRAPHY


1. Blue Mountain Resources Limited - Environmental Assessment Report

2. Blue Mountain Resources Limited - Supplementary Report to the Nova Scotia Environmental Control Council

3. Report on Quarrying Operations in the Kearney Lake Area for the Department of the Environment, Province of Nova Scotia, March 1976, MacLaren Atlantic Limited

4. Nova Scotia Pit and Quarry Guidelines

5. Applicable environmental legislation including the Environmental Protection Act, the Environmental Assessment Act, Environmental Assessment Hearing Regulations and the Water Act

## LIST OF ACCOMPANYING VOLUMES

Final Guidelines for Terms of Reference

Terms of Reference for the Environmental Assessment Report

Environmental Assessment Report

Written Submissions to the Environmental Control Council

Transcript of Blue Mountain Resources Limited - Rock Extraction and Development Project - Public Hearings

Biography of Environmental Control Council members conducting the public hearing process

**This information can be viewed at the Nova Scotia Department of the Environment Library.**